

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIH

WRIT PETITION NO. 28798/1997.

BETWEEN:

1. Smt. Phooli Bai,
W/o. Baboothmull Jain,

2. Sri Sajjan Raj,
S/o. Baboothmull Jain,

Both majors, resident of
Chowdeshwari Temple Street,
Bangalore.

: PETITIONERS

(Sri. Subash B. Adi for Petitioner)

AND:

1. Bangalore City Corporation,
by its Commissioner, Bangalore.

24,
- 2 -

2. Assistant Executive Engineer,
Ward No.28, Tulsi Tota,
Bangalore.

: RESPONDENTS

(Sri.B.A.Ramakrishna & Sri.B.G.Rajashekar for
Respondents)

This Writ Petition filed under Articles 226 &
227 of the Constitution of India with an affidavit
praying to quash vide Anx.B and B-1 dt.8.10.97 by
R2 and etc.,

This Writ Petition coming on for preliminary
hearing in 'B' group this day, the Court made the
following:

O R D E R

T.by: JL (c. t. only)

R.by: *v/bc*

C.by: *8/10/98*

180
8/7/98

WP.28798/97

O R D E R

202

18-6-1998

The petitioners in this petition have challenged the provisional order under Sec.321(1) and (2) of the Karnataka Municipal Corporations Act, (for short 'the Act').

2. The impugned orders are only provisional orders. After passing of the provisional order, the Corporation is required to pass a final order under sec.321(3) of the Act. Under the scheme of the Act, the Corporation has no authority to demolish the building without passing a final order. Therefore, there is no reason to interfere with the provisional orders which are impugned in this petition.

2. Accordingly, writ petition is disposed of

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Sd/-
JUDGE

Hsf.



